IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 26358 of 2007(K)

PETITIONER:

VINCENT M.ARAKKAL, AGED 56 YEARS,
S/O MATHEW A.ARAKKAL(LATE),
RANGE OFFICER(RETIRED),
RESIDING AT ARAKKAL HOUSE,
KOTTAPPURAM P.O., KODUNGALLOOR,
TRICHUR-680667.

BY ADV. SRI.P.P.JNANASEKHARAN

RESPONDENTS:

1. THE CHIEF CONSERVATOR OF FORESTS(ADMN.),
FOREST HEAD QUARTERS, VAZHUTHAVAUD,
THIRUVANANTHAPURAM.

2. THE ACCOUNTANT GENERAL (A & E),
KERALA, THIRUVANANTHAPURAM.

3. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF FORESTS AND WILDLIFE,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.26358 of 2007 K

Dated this the 20th day of September, 2007.

JUDGMENT

The petitioner is aggrieved by the non-disbursal of the Death-cum-Retirement Gratuity, in spite of the fact that he retired as a Range Officer on 31.5.2006.

2. Learned Government Pleader, on instructions, submits that disciplinary proceedings are pending against the petitioner and the same have not been finalized.

3. Pendency of the disciplinary proceedings by itself cannot be a reason for non-disbursal of the Death-cum-Retirement Gratuity. But the time frame, which is mentioned in Note 3 to Rule 3 Part III of the Kerala Service Rules, is three years from the date of retirement, insofar as adjustment of any liability from the Death-cum-Retirement Gratuity is concerned.

After hearing both sides, the writ petition is disposed of directing the first respondent to take appropriate action to see that the liability of the petitioner, if any, in relation to the period of service, is finalised within a period of three months from the date of receipt of a copy of this judgment. Subject to the quantification of the liability, if any, in the manner indicated above, the Death-cum-

Retirement Gratuity will be disbursed to the petitioner, within a period of one month, after such orders are passed by the first respondent.

Sd/-
(V.GIRI)
JUDGE

sk/

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P.S. To Judge